

**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF VIRGINIA  
Newport News Division**

**In re:**

**MIGUEL ANGEL SOSA AVILA,  
Debtor.**

**Case No. 21-50907-FJS  
Chapter 13**

**CONSENT ORDER SETTLING TRUSTEE'S MOTION TO DISMISS CASE**

THIS MATTER CAME to be heard on the Motion to Dismiss Case for Failure to Make Plan Payments (the “**Motion to Dismiss**”) filed by Kelly M. Barnhart, Chapter 13 Trustee (the “**Trustee**”), on October 15, 2024, whereby the Trustee sought dismissal of the bankruptcy case of Miguel Angel Sosa Avila (the “**Debtor**”) based upon the Debtor’s failure to remit plan payments, as required by the plan filed on April 12, 2024 (the “**Plan**”), which was confirmed by this Honorable Court on May 14, 2024. Upon agreement between the Debtor and the Trustee that the matter has been settled; it is hereby,

**ORDERED** that the Trustee’s Motion to Dismiss is **SETTLED**; it is further,

**ORDERED** that the Debtor shall cure the plan payment arrearage of \$2,739.57 calculated through November of 2024 as follows:

- a. Beginning December of 2024 and continuing through July of 2025, the Debtor shall make cure payments of \$304.40 each month, then one cure payment of \$304.57 in August of 2025 (the “**Cure Payments**”). The Cure

Kelly M. Barnhart, VSB No. 65246  
Chapter 13 Trustee  
7021 Harbour View Blvd., Suite 101  
Suffolk, VA 23435  
Telephone – (757) 233-8294 and (757) 226-0287  
Facsimile - (757) 333-3434  
kbarnhart@kmbch13.com  
/jml

- Payments shall be made in addition to payments due pursuant to the Plan;
- b. The source of the Cure Payments is a gift from the Debtor's daughter;
  - c. The Debtor will also remit to the Trustee any tax refunds received by the Debtor related to tax returns filed for 2024 on or before March 15, 2025, to reduce the repayment term;
  - d. That the Debtor shall provide a copy of the 2023 tax returns, federal and state, to the Trustee within twenty-one (21) days from the date of entry of this Order; it is further

**ORDERED** that the Debtor shall make the regular monthly Plan payment for the month of December of 2024, and each month thereafter as it becomes due, and remain current on all future Plan payments; it is further,

**ORDERED** that the Debtor shall provide a copy of the 2024 tax returns, federal and state, to the Trustee by February 28, 2025; it is further

**ORDERED** that if the Debtor fails to comply with any of the terms of this Consent Order, or falls more than thirty (30) days in arrears for the remainder of the Plan term, an Order of Dismissal may be filed with and entered by this Court without further hearing; it is further,

**ORDERED** that upon entry of this Order, the Clerk shall forward copies to those parties named on the attached Copy List.

ENTERED: \_\_\_\_\_

Dec 3 2024

/s/ Frank J Santoro  
CHIEF UNITED STATES BANKRUPTCY JUDGE

Notice of entry: December 3, 2024

I ASK FOR THIS:

*/s/Kelly M. Barnhart*  
Kelly M. Barnhart, VSB No. 65246  
Chapter 13 Trustee

AGREED:

*/s/Christian D. DeGuzman*  
Christian D. DeGuzman, Esquire  
Counsel for Debtor

**LOCAL RULE 9022-1 CERTIFICATE**

I hereby certify that in accordance with Local Rule 9022-1, this Order has been endorsed by all required parties.

*/s/ Kelly M. Barnhart*

Copy List:

Miguel Angel Sosa Avila  
253 Beauregard Heights  
Hampton, VA 23669

Christian D. DeGuzman, Esquire (via CM/ECF)